

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 IO-14 AID-20 CEA-02 CIAE-00 COME-00

EB-12 EA-11 FRB-03 INR-11 NEA-14 NSAE-00 RSC-01

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 5424

INFO USMISSION EC BRUSSELS

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E.O. 11652: N/A

TAGS: EGEN, GW

SUBJECT: US-FRG ANTI-TRUST COOPERATION

REF: STATE 111877

1. THE CHIEF OF THE ECONOMICS MINISTRY'S COMPETITION POLICY OFFICE, STAHL, ASKED EMBOFF TO CALL ON HIM TO DISCUSS US-FRG COOPERATION IN THE ANTI-TRUST FIELD. STAHL STATED THAT THE FRG HAD MADE SOME SUGGESTIONS FOR STRENGTHENING THE RELATIONS BETWEEN THE TWO GOVERNMENTS IN THIS AREA DURING LAST SPRING'S VISIT OF TWO US OFFICIALS TO BONN AND BERLIN, AND HE NOTED THAT THE FRG HAD NOT YET RECEIVED ANY RESPONSE FROM THE USG TO THESE SUGGESTIONS. HE SAID THERE WAS HIGH LEVEL INTEREST WITHIN THE GERMAN GOVERNMENT FOR SUCH COOPERATION AND ASKED IF THE USG WAS INTERESTED IN PURSUING THE MATTER FURTHER.

2. STAHL STATED THAT THE FRG WAS INTERESTED IN COOPERATION IN THREE PRINCIPAL AREAS: RESTRICTIVE
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BUSINESS PRACTICES, MERGERS AND ACQUISITIONS, AND

MISUSE OF MONOPOLISTIC MARKET POSITIONS. HE NOTED THAT COOPERATION EXISTS BETWEEN THE TWO GOVERNMENTS ON A SPECIFIC AD HOC BASIS IN INDIVIDUAL CASES AND WITHIN THE OECD FRAMEWORK, BUT HE STATED THE FRG WOULD LIKE TO PROVIDE A MORE FORMAL STRUCTURE FOR FUTURE COOPERATION, PERHAPS ALONG THE LINES OF THE RECENTLY CONCLUDED US-GERMAN CUSTOMS AGREEMENT. A SIMILAR AGREEMENT IN THE ANTI-TRUST FIELD WOULD ENABLE THE AUTHORITIES IN BOTH COUNTRIES TO EXCHANGE INFORMATION RAPIDLY IN THE TIMES OF CRISIS, AS FOR EXAMPLE DURING THE RECENT OIL CRISIS. IT WOULD ALSO PROVIDE A LEGAL FRAMEWORK WITHIN WHICH THE EXCHANGE OF INFORMATION ON SPECIFIC CASES COULD BE CONDUCTED ON A REGULARIZED BASIS. IN THIS REGARD STAHL NOTED THAT THE FRG WAS COMING UNDER PRESSURE FROM GERMAN FIRMS TO PROVIDE A LEGISLATIVE PROHIBITION AGAINST THEIR PROVIDING INFORMATION TO US ANTI-TRUST AUTHORITIES. HE NOTED THAT WHILE THE FRG HAS NO INTENTION OF SUBMITTING SUCH LEGISLATION, A BILATERAL AGREEMENT WOULD HELP IT RESIST SUCH PRESSURE.

3. ACTION REQUESTED: GUIDANCE ON HOW THE USG INTENDS TO RESPOND TO THIS GERMAN INITIATIVE.
HILLENBRAND

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Message Attributes

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